

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RITTENHOUSE ENTERTAINMENT,
INC.; THE MINES, INC.; G NET COMM.
CO.; PHOENIX ESTATES; and
THOMAS J. GRECO;

Plaintiffs,

v.

CITY OF WILKES-BARRE; THOMAS LEIGHTON, *individually and as Mayor of Wilkes-Barre*; GERALD DESSOYE, *individually and as Chief of Police of Wilkes-Barre*; J.J. MURPHY, *individually and as City Administrator of Wilkes-Barre*; TONY THOMAS, JR., KATHY KANE, WILLIAM BARRET, RICK CRONAUER, and MICHAEL MERRITT, *individually and as Members of the Wilkes-Barre City Council*; BUTCH FRATI, *individually and as Director of Operations of Wilkes-Barre*; LUZERNE COUNTY; MICHAEL SAVOKINAS, *individually and as Luzerne County Sheriff*; KING'S COLLEGE; and FATHER THOMAS J. O'HARA, ROBERT MCGONIGLE, PAUL LINDENMUTH, and JOHN MCANDREW, *individually and as Officers and Employees of King's College*;

Defendants.

ORDER

NOW, this 8th day of August, 2018, IT IS HEREBY ORDERED that:

- (1) Defendants McAndrew and Lindenmuth are dismissed from the case.

- (2) City Defendants' Motion for Summary Judgment (Doc. 135) is **GRANTED in part and DENIED in part as follows:**
- (a) the Motion is **GRANTED**, and judgment entered in favor of City Defendants, with respect to all claims in Counts I, II, III, IV, and VI.
- (b) The Motion for Summary Judgment is otherwise **DENIED**.
- (3) College Defendants' Motion for Summary Judgment (Doc. 138) is **GRANTED in part and DENIED in part** as follows:
- (a) The Motion is **GRANTED**, and judgment entered in favor of College Defendants, with respect to all claims in Counts I, II, and III.
- (b) The Motion for Summary Judgment is otherwise **DENIED**.
- (4) County Defendants' Motion for Summary Judgment (Doc. 141) is **GRANTED**, and judgment entered in favor of County Defendants.
- (5) The state law claims in Count V are **DISMISSED** for lack of subject matter jurisdiction.
- (6) The Clerk of Court is directed to close the case.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge